

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA  
ex rel. DON HANKS, *et al.*,

Plaintiffs,

JUDGMENT  
08-CV-3096 (SJ)(RML)

-against-

U.S. ONCOLOGY SPECIALITY, LLP, *et al.*,

Defendants.

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A Memorandum and Order of Honorable Sterling Johnson, Jr., United States District Judge, having been filed on September 17, 2018, denying Defendants' motions to the extent that they argue that this Court lacks subject-matter over this action by virtue of the public disclosure bar set forth in 31 U.S.C. § 3730(e)(4)(A) (1994); granting Defendants' motions to the extent that Defendants argue that this action must be dismissed without prejudice for violation of the first-to-file rule, 31 U.S.C. § 3730(b)(5) and Rule 9(b)'s requirement that claims under the False Claims Act and analogous state statutes be pled with particularity; and dismissing this action without prejudice to refiling this action after all prior-filed, related actions are dismissed; it is

ORDERED and ADJUDGED that Defendants' motions are denied to the extent that they argue that this Court lacks subject-matter over this action by virtue of the public disclosure bar set forth in 31 U.S.C. § 3730(e)(4)(A) (1994); that Defendants' motions are granted, however, to the extent that Defendants argue that this action must be dismissed without prejudice for violation of the first-to-file rule, 31 U.S.C. § 3730(b)(5) and Rule 9(b)'s requirement that claims under the False Claims Act and analogous state statutes be pled with particularity; and that this is dismissed without prejudice to refiling this action after all prior-filed, related actions are dismissed.

Dated: Brooklyn, NY  
September 17, 2018

Douglas C. Palmer  
Clerk of Court

By: /s/Jalitzia Poveda  
Deputy Clerk